

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LEE JONES,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:05CV510 CDP
)	
CHARLES DWYER, et al.,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

This matter is before the Court on the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 filed by petitioner Lee Jones. The Court referred this matter to United States Magistrate Judge Frederick R. Buckles for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On November 29, 2007, Judge Buckles filed his recommendation that petitioner's habeas petition should be denied. Despite being granted an extension of time, petitioner did not object to the Report and Recommendation. His time for doing so expired on January 11, 2008.

After careful consideration, I will adopt and sustain Judge Buckles' Report and Recommendation in its entirety. I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must

find a substantial showing of the denial of a federal constitutional right. See Tiedeman v. Benson, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing Flieger v. Delo, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because petitioner has not made such a showing, I will not issue a certificate of appealability.

Accordingly,


IT IS HEREBY ORDERED that the Report and Recommendation filed on November 29, 2007 [#10] is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that the Clerk of the Court shall add Missouri Attorney General Jeremiah W. Nixon as a party respondent.

IT IS FURTHER ORDERED that Petitioner Lee Jones' Petition for Writ of Habeas Corpus [#1] is denied.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

A separate judgment in accordance with this Memorandum and Order is entered this same date.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 12th day of February, 2008.